

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-11699

Margarita Munoz

v.

United States of America

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/27/05.


In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 24, 2006.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/25/06


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11699-EFH**

Munoz v. United States of America
Assigned to: Senior Judge Edward F. Harrington
Cause: 28:2255 Motion to Vacate / Correct Illegal
Sentenc

Date Filed: 07/27/2004
Jury Demand: None
Nature of Suit: 510 Prisoner:
Vacate Sentence
Jurisdiction: U.S. Government
Defendant

Petitioner

Margarita Munoz


represented by **Margarita Munoz**
Alderson Prison Camp
Box A
Alderson, WV 24910
PRO SE

V.

Respondent

United States of America

represented by **Susan M. Poswistilo**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3267
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susan.poswistilo@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/27/2004	 1	MOTION to Vacate, Set Aside or Correct Sentence by Margarita Munoz.(Jenness, Susan) (Entered: 08/02/2004)

07/27/2004	●2	EXHIBIT re 1 MOTION to Vacate by Margarita Munoz. (Jenness, Susan) (Entered: 08/02/2004)
07/27/2004	●	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Jenness, Susan) (Entered: 08/02/2004)
08/02/2004	●	Case forwarded to EFH Session (Jenness, Susan) (Entered: 08/02/2004)
08/17/2004	●3	Judge Edward F. Harrington : ORDER entered SERVICE ORDER re 2255 Motion. Order entered pursuant to R.4 of the Rules governing Section 2255 cases for service on respondents. Answer/responsive pleading due w/in 60 days of rcpt of this order. SO ORDERED. (Holahan, Sandra) (Entered: 08/17/2004)
02/17/2005	●4	MOTION for Extension of Time to 04/18/2005 to respond to <i>Petitioner's Motion Under 28 USC 2255</i> by United States of America.(Poswistilo, Susan) (Entered: 02/17/2005)
02/17/2005	●5	NOTICE of Appearance by Susan M. Poswistilo on behalf of United States of America (Holahan, Sandra) (Entered: 02/18/2005)
02/22/2005	●	Judge Edward F. Harrington : Electronic ORDER entered granting 4 Motion for Extension of Time. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 02/23/2005)
04/18/2005	●6	Second MOTION for Extension of Time to June 18, 2005 to File Response/Reply to 2255 <i>Petition</i> by United States of America.(Poswistilo, Susan) (Entered: 04/18/2005)
04/19/2005	●	Judge Edward F. Harrington : Electronic ORDER entered granting 6 Motion for Extension of Time to File Response/Reply re 6 Second MOTION for Extension of Time to June 18, 2005 to File Response/Reply to 2255 <i>Petition</i> Responses due by 6/18/2005. MOTION ALLOWED. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 04/19/2005)
06/10/2005	●7	Third MOTION to Continue <i>Response Date</i> by United States of America.(Poswistilo, Susan) (Entered: 06/10/2005)
06/14/2005	●	Judge Edward F. Harrington : Electronic ORDER entered granting 7 Motion to Continue. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 06/14/2005)

07/11/2005	<u>8</u>	RESPONSE to Motion re <u>7</u> Third MOTION to Continue <i>Response Date</i> filed by Margarita Munoz. (Holahan, Sandra) (Entered: 07/13/2005)
08/19/2005	<u>9</u>	Fourth MOTION for Extension of Time to October 18, 2005 to Respond to Petitioner's 2255 Motion by United States of America.(Poswistilo, Susan) (Entered: 08/19/2005)
09/07/2005	<u>9</u>	Judge Edward F. Harrington : Electronic ORDER entered granting <u>9</u> Motion for Extension of Time. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 09/07/2005)
09/08/2005	<u>9</u>	Judge Edward F. Harrington : Electronic ORDER entered. Status Conference set for 10/19/2005 11:00 AM in Courtroom 13 before Judge Edward F. Harrington. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 09/08/2005)
10/13/2005	<u>10</u>	MOTION for Leave to File Excess Pages by United States of America.(Poswistilo, Susan) (Entered: 10/13/2005)
10/13/2005	<u>11</u>	REPLY to Response to Motion re <u>1</u> MOTION to Vacate filed by United States of America. (Poswistilo, Susan) (Entered: 10/13/2005)
10/17/2005	<u>10</u>	Judge Edward F. Harrington : Electronic ORDER entered granting <u>10</u> Motion for Leave to File Excess Pages. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 10/17/2005)
12/02/2005	<u>12</u>	REPLY to Response to Motion re <u>1</u> MOTION to Vacate filed by Margarita Munoz. (Holahan, Sandra) (Entered: 12/05/2005)
12/15/2005	<u>13</u>	Judge Edward F. Harrington : ORDER entered. MEMORANDUM AND ORDER: Vacating petitioner's previous judgment and sentence, and enters a new judgment and sentence against the petitioner identical to the previous sentence imposed, with credit for time served. (Holahan, Sandra) Additional attachment(s) added on 12/19/2005 (Holahan, Sandra). (Entered: 12/15/2005)
12/19/2005	<u>13</u>	Notice of correction to docket made by Court staff. Correction: DOCUMENT #13 corrected because: Re-scanned due to date being incorrect (should have been 2005 not 2004) (Holahan, Sandra) (Entered: 12/19/2005)
12/27/2005	<u>14</u>	MOTION to Appoint Counsel by Margarita Munoz.(Holahan, Sandra) (Entered: 12/29/2005)
12/27/2005	<u>15</u>	NOTICE OF APPEAL by Margarita Munoz. NOTICE TO

		COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 1/17/2006. (Holahan, Sandra) (Entered: 12/29/2005)
12/29/2005	●	Judge Edward F. Harrington : Electronic ORDER entered denying <u>14</u> Motion to Appoint Counsel. MOTION IS DENIED. cc/cl (Holahan, Sandra) (Entered: 12/29/2005)
12/29/2005	●	Judge Edward F. Harrington : Electronic ORDER entered. ELECTRONIC ENDORSEMENT re <u>15</u> Notice of Appeal, filed by Margarita Munoz. TREAT AS NOTICE OF APPEAL. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 12/29/2005)
01/13/2006	● <u>16</u>	NOTICE OF INTERLOCUTORY APPEAL by Margarita Munoz. Appeal Record due by 2/2/2006. (Holahan, Sandra) (Entered: 01/20/2006)